IN THE HIGH COURT OF CHHATTISGARH AT BILASPUR

W.P.No. 3499 /2003

Petitioners

.. 1. M/s.Jaiswal Tor Products Ltd., Moudapara, Raipur, Chhattisgarh

Through: Shri Achhelal Jaiswal, S/o late Shri Ramadhar Jaiswal, Smt.Shanti Devi Jaiswal & Shri Anil Kumar Jaiswal

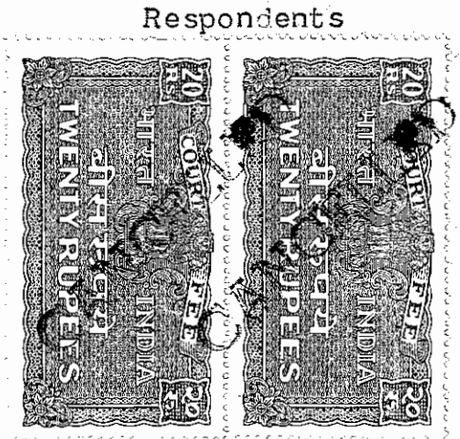
2. M/s.Jaiswal Ferrous India Ltd., Opp. Mahavir Goushala, Moudapara, Raipur, Chhattisgarh

Through: Shri Achhelal Jaiswal, Shri Lalta Prasad Jaiswal, Shri Ram Prasad Jaiswal & Shri Anil Kumar Jaiswal

All Rs/o Moudapara, Raipur, Chhattisgarh.

Vs.

Respondents



.. 1. Union of India, Through: Its Secretary, Ministry of Law & Justice (Legislature Department), Govt, of India, New Delhi.

2. Union of India, Through: Its Secretary, Ministry of Finance (Banking Division), Govt. of India, New Delhi.

3. State Bank of India, Commercial Branch, IInd Floor, Ravi Bhawan, Jai Sthambh Chowk, Raipur, Chhattisgarh.

PETITION UNDER ARTICLES 226/227 OF THE CONSTITUTION OF INDIA IN THE MATTER OF CHALLENGING THE VALIDITY OF SECTION 13(2) (3) & (4) AND SUB-SECTION 2 OF SECTION 17 OF THE SECURITISATION & RECONSTRUCTION OF FINANCIAL ASSETS & ENFORCEMENT OF SECURITY INTEREST ACT, 2002

XI-HC-22

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

आदेश पत्रक

मामला क्रमांक WP. 3499 सन् 2003

विरुद्ध

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
	DIVISION BENCH: **HON'BLE SHRI A.S.VENKATACHALA MOORTHY, CJ** **& HON'BLE SHRI FAKHRUDDIN, J.** **29/06/2004: -** **Shri Vivek Ranjan Tiwari counsel for the petitioners.** **Shri Vinay Harit, Sr. Standing Counsel for the Union of India, for respondents 1 and 2.** **Shri R.S. Jaiswal counsel for the respondent No.3.** **Following the decision of the Supreme Court in the matter of Mardia Chemical Ltd. Vs. Union of India (2004 AIR SCW 2541), the writ petition stands dismissed.** **However, it is made clear that where a secured creditor has taken action under Section 13(4) of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 in such cases it would be open to borrowers to file appeals under Section 17 of the Act within the limitation as prescribed therefor, to be counted with effect from today.** Sd/- Chief Justice Sd/- Fakhruddin Judge	

पीछे देखिये